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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,125	01/06/2006	Monika Ivantysynova	18062	5742
25542 7590 06/26/2008 CNH AMERICA LLC INTELLECTUAL PROPERTY LAW DEPARTMENT PO BOX 1895, M.S. 641 NEW HOLLAND, PA 17557				
EXAMINER				
WILLIAMS, MAURICE L				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
06/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/535,125

**Applicant(s)**

IVANTYSNOVA ET AL.

**Examiner**

MAURICE WILLIAMS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the controlled variable speed electric motor of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 already mentions a swiveling vane motor; therefore, the limitation provided in claim 16 is redundant.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 3,939,933). Armstrong discloses a variable flow hydraulic pump (74) in communication with a hydraulically operated device (34), the device being incorporated

above the articulation joint (Fig. 1, at axis **16**) of a vehicle. Column 2, lines 8-10 explain that the hydraulically operated device, while described as being a ram in the detailed description, may also be in the form of a vane motor. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to incorporate the use of a vane motor to assist in turning the vehicle at the articulation joint.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Zimmerman et al. (US 6,719,377). Armstrong discloses as discussed above, but does not directly disclose an electric motor driving the pump. Zimmerman discloses an electric motor (**100**) used to drive a pump. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Zimmerman in order to provide an efficient and well-known means of driving the hydraulic pump.

7. Claims 3, 6-8, 10, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Sprinkle et al. (US 2003/0013575). Armstrong discloses as discussed above, but does not directly disclose a piston pump with a swashplate or a controller with sensors. Sprinkle discloses a pump with a swashplate (**118**) that is controlled by a microprocessor (**52**), which is connected to a sensor (**46**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Sprinkle in order to provide a means of changing the flow of the pump as well as a means of controlling the pump as

the operating status (i.e. speed) of the vehicle changes (col. 4, ln. 62-65 states that it is clear that electrical element may be used to signal the state of vehicle).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Zimmerman as applied to claim 2 above, and further in view of Sprinkle. As stated above, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include the components taught by Sprinkle in order to provide a means of changing the flow of the pump as well as a means of controlling the pump as the operating status of the vehicle changes.

9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Sprinkle as applied to claims 7 and 11 above, and further in view of Sakamoto et al. (US 5,584,346). Armstrong and Sprinkle disclose as discussed above, but do not directly disclose a joystick connected to a controller. Sakamoto discloses the use of a joystick (22) with a force feedback function (col. 17, ln. 41-42 indicates that the joystick has a return to neutral function). The joystick is connected to an electronic controller (26). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Sprinkle and Sakamoto in order to provide an alternative means of steering a vehicle, requiring the use of only one hand.

10. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Sprinkle as applied to claim 16 above, further in view of Sakaki (US 2002/0170769). Armstrong and Sprinkle disclose as discussed above but do not directly disclose that the flow of the pump is controlled by controller according the

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angle of the steering device. Sakaki discloses steering system wherein the operation of the pump is dependent on the steering angle recorded by a controller (42) (¶0042, ln. 6-12). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong and Sprinkle as taught by Sakaki in order to provide a way of controlling the operation of the pump via an input means commonly used to determine the operating condition of the vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/  
Examiner, Art Unit 3611

Maurice Williams  
Examiner  
Art Unit 3611

MLW  
June 19, 2008

/Lesley D. Morris/  
Supervisory Patent Examiner, Art Unit 3611